

to worry about the warrants being served if she complied with his inappropriate sexual “requests.” When a person acting under color of law makes a “request” and there is an obvious or implied threat that the failure to comply with the “request” will result in an arrest, the court simply cannot find that Wilson willingly submitted to Watson’s “request.” In other words, a “request” under these circumstances is a demand or direct order because the law enforcement officer has the tools and authority necessary to “make good” on the threat.

Moreover, Watson’s sexual talk within earshot of Wilson’s then-six-year-old daughter on April 30, 2009, and Watson allowing Wilson to leave his office instead of arresting her, as well as not informing her that a payment plan could be arranged, leave no doubt as to Watson’s ulterior motives. Because of Watson’s conduct, Wilson is entitled to damages.

Credibility plays a major role in determining the amount of damages. Wilson testified at trial that Watson called her the morning of May 1, 2009; however, in an affidavit filed with the court, Wilson testified that she called Watson that morning. Also, during her trial testimony, Wilson did not initially testify that Watson performed oral sex on her. After the court asked questions regarding this omission, Wilson *did* testify that Watson performed oral sex on her. Further, pursuant to Federal Rule of Evidence 201, the court takes judicial notice of Watson’s felony conviction for sexual assault against Wilson.

Although these two areas of Wilson’s testimony were initially inconsistent with a prior sworn statement, the court does not deem the two initial inconsistencies to be fatal to the recovery of damages, or that her damages should otherwise be limited, because: (1) Wilson was visibly nervous while testifying; (2) she clarified her testimony; (3) other evidence in the record established that Watson performed oral sex on Wilson; and (4) victims of sexual assault are

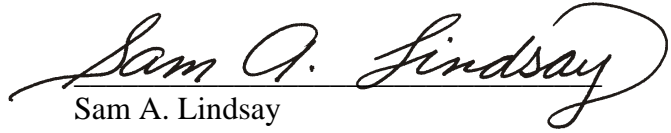
embarrassed at having to relive a traumatic experience in court and may omit key details of the incident.

Wilson has been living with the traumatic experience for over five years. The record demonstrates the emotional and mental impact on her. Wilson testified that she currently takes five medications: (1) Seroquel, which is used for schizophrenia, bipolar disorder, or depression; (2) Trazodone, which is to treat depression; (3) Wellbutrin, which also is used to treat depression; (4) Citalopram, which is also used to treat depression; and (5) Xanax, which is used to treat anxiety and panic disorder. She testified that she was not prescribed Xanax until after the assault by Watson. Whatever emotional and mental conditions that Plaintiff was experiencing prior to the assault have been aggravated since the encounter with Watson. Plaintiff testified that the dosages for the four medications she was taking at the time Watson assaulted her have all increased since her encounter with Watson. Wilson testified that she angers easily, cries often, has fears, is embarrassed, and continues to see a medical doctor and has weekly visits with a counselor. Her counselor, Ms. Judy Stewart (“Stewart”), verified that she sees Wilson weekly, that Wilson appears to be progressing well, and that she expects the frequency of counseling to decrease once the lawsuit is over. According to Wilson, she sees Stewart for depression, anxiety, and mental anguish.

Wilson has requested \$350,000 as compensatory damages for the constitutional violation and sexual assault committed by Watson. A sexual assault can be a violation so intrusive and emotionally devastating that many victims never fully recover from its traumatic effects. A sexual assault leaves an indelible mark on the victim. For all of these reasons and in light of the evidence in the record, the court determines that an award of \$350,000 reasonably compensates Wilson for the damages she suffered as a direct result of the injury inflicted upon her by Watson. Accordingly,

the court determines that Wilson is justly entitled to an award of \$350,000, and will enter a judgment by separate document for this amount against Watson.*

It is so ordered this 26th day of September, 2014.


Sam A. Lindsay
United States District Judge

* As Plaintiff did not request an award of punitive damages, the court awarded none.